

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

Joel A. Morvant, Sr., et al

Civil Action No. 99-1427

versus

Judge Tucker L. Melançon

L&L Sandblasting, Inc. et al

Magistrate Judge Mildred E. Methvin

JUDGMENT

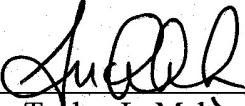
Before the Court is third-party defendants The Rosenthal Agency, Inc.; Hibernia Ins. Agency, LLC; Tower Acquisition Co., LLC; Capital One Ins. Agency; and J. Dale Gault's Motion to Dismiss [Rec. Doc. 86] which was referred to United States Magistrate Judge Mildred E. Methvin for Report and Recommendation. After an independent review of the record, the applicable jurisprudence, and considering the objections and response thereto, the Court concludes that the Findings and Recommendation of the magistrate judge are correct and the Court adopts the conclusions set forth therein. It is therefore

ORDERED that third-party defendants' Motion [Rec. Doc. 86] is **GRANTED**. Third party plaintiff L&L Sandblasting, Inc.'s claims against third party defendants The Rosenthal Agency, Inc.; Hibernia Ins. Agency, LLC; Tower Acquisition Co., LLC; Capital One Ins. Agency; and J. Dale Gault are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that L&L Sandblasting, Inc.'s alternative request that third party defendants' Motion to Dismiss [Rec. Doc. 86] be held in abeyance pending discovery on the issue of fraud as set forth in its Memorandum in Opposition to Motion of Dismissal [Rec. Doc. 88 at p. 9-10] and its Objections to Magistrate's Recommendations

[Rec. Doc. 97 at pp. 7-8] is **DENIED**.

THUS DONE AND SIGNED this 23rd day of August, 2007 at Lafayette, Louisiana.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE